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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/167,286	10/07/98	ADEDEJI	A CN-8764

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EXAMINER

HOKE, V

ART UNIT

PAPER NUMBER


1714

DATE MAILED:

12/15/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No. 09/167,286	Applicant(s) ADEDEJI ET AL	
	Examiner VERONICA P. HOKE	Group Art Unit 1714	

- ☐ Responsive to communication(s) filed on _____
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire THREE month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

- ☒ Claim(s) 1-16 _____ is/are pending in the applicat
- Of the above, claim(s) _____ is/are withdrawn from consideration
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-16 _____ is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claims _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) _____
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- ☒ Notice of References Cited, PTO-892
- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 5
- ☐ Interview Summary, PTO-413
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1,6,8,9,11 and 15 are rejected under 35 U.S.C. 102(b) as being fully met by Alexander et al
4. Patentees disclosed (col.7, lines 15-27) pallets comprising molded polycarbonate components.
5. Claims 1,5,10,11,13 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander et al as applied to claim 1,6,8,9, 11 and 15 above, and further in view of Fuhr et al.

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Given Alexander's suggestion that pallets should not be flammable (col.1) it would be obvious to utilize as the composition one which is comprised of polycarbonates made less flammable by phosphates and styrenic resins inclusion . Such a composition would be readily selected from those which Fuhr had previously disclosed.

6. Claims 1,6,9,10 and 11 are rejected under 35 U.S.C. 102(b) as being Alexander et al or any one of Fowler (031), (078) or (694).

7. Styrenic resins including ABS types as the plastic comprising one piece pallets are disclosed. See Alexander at col.6 ; Fowler (694) at col.3; Fowler (078) at col.4; and Fowler (031) at col.6.

8. Claims 1,8,9,11 and 15 are rejected under 35 U.S.C. 102(b) as being Alexander et al or, any one of Fowler (031), (078) and (694).

9. Thermoset resins are utilized as the plastic component in pallets. Alexander does not prefer their use as compared to thermoplastics: col.7, lines 2-27. Epoxy resins as well as phenoplasts and aminoplasts are taught in the Fowler patents.

10..

11. Claims 1-4,9-12 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haaf et al in view of Alexander et al and Fowler (031), (078) and (694) as applied to claims 1,8,9,11 and 15 above.

12. It would be obvious to utilize PPO as the pallets's primary plastic component since it is a

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13. thermoplastic. Selecting a flame retardant PPO such as Haaf prescribes would be obvious since Alexander relates that this is a desirable property for pallets.

14. Claims 1,7-11,14,15, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander et al or Fowler (031), (078) or (694) as applied to claims 1,8,9,11 and 15 ss above, and further in view of Weinrotter et al and Serofini et al.

Plastics which have been substituted for wood in forming pallets according to the primary references can comprise either thermoplastics or thermosetting resins. Polyetherimides are not mentioned as representative of either class. It is known however that polyimides which have been reinforced exhibit superior load bearing properties. See Serofini et al at col.1, lines 14-35. Furthermore it is highly amenable to the same physical machining such as sawing as previously applied to wood: see col.4, lines 24-30 and col.7, lines 29-32.

Weinrotter

In view of its load bearing and machinability characteristics it would be obvious to utilize polyetherimides in making pallets following the plastics shaping techniques related by the primary references.


VERONICA P. HOKE
PRIMARY EXAMINER

vph

December 11, 1999